

April 21, 2017

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et. al.*,  
GN Docket No. 14-177, IB Docket No. 15-256, WT Docket No. 10-112, and  
IB Docket No. 97-95

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation, Hughes Network Systems, LLC, Inmarsat, Inc., WorldVu Satellites Ltd. d/b/a OneWeb, SES Americom, Inc., O3b Limited, Intelsat Corporation, and The Boeing Company (collectively, the “Satellite Broadband Companies”) welcome the *ex parte* recently filed by the Fixed Wireless Communications Coalition, Inc. (“FWCC”).<sup>1</sup> In that submission, FWCC supported a number of the proposals made by the Satellite Broadband Companies for reconsideration of the limitations imposed on earth station siting in order to protect the new Upper Microwave Flexible Use Service (“UMFUS”). We are encouraged by this recognition by the terrestrial wireless industry that the rules initially adopted were overly restrictive and in need of revision to better achieve their purpose.

We would note, however, four clarifications with respect to FWCC’s submission. First, while FWCC agrees that the Commission should use a tiered approach to population limits, it proposes only a single set of tiers. As the Satellite Broadband Companies pointed out, the large difference in size between the counties used for licensing in the 28 GHz band and the Partial Economic Areas used for licensing in the 39 GHz band necessitate the use of two parallel sets of tiers. Second, the Department of Transportation’s road classification system is used by local planning authorities in every jurisdiction. Accordingly, there is an authoritative and neutral reference available to determine whether a particular road qualifies as a “principal arterial” subject to the rule. Third, FWCC’s proposal to define “urban mass transit route” as “a shared passenger-transport service available for use by the general public and operating within a metropolitan area and its suburbs” is vague and overbroad. For example, Uber Carpool would seem to fit that definition, even though it has no fixed routes or other attributes typically associated with a mass transit system. Fourth, the FWCC objects to the database the Satellite Broadband Companies have proposed to assist with coordination because it “would improperly permit the construction of earth stations where UMFUS facilities are planned but not yet

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<sup>1</sup> See Letter from Cheng-yi Liu to Marlene H. Dortch, GN Docket No. 14-177, *et al.* (Apr. 17, 2017) (“FWCC Ex Parte”).

registered in the database.”<sup>2</sup> The Satellite Broadband Companies wish to clarify that Section 25.136 requires FSS earth station operators to coordinate only “with respect to existing facilities constructed and in operation by the UMFUS licensee.”<sup>3</sup> Therefore, even without the proposed database, earth station operators who comply with the siting restrictions and coordinate with existing UMFUS facilities in operation will be eligible for a license to operate on a protected basis irrespective of the UMFUS licensee’s planned facilities.

The Satellite Broadband Operators welcome FWCC’s willingness to recognize the need for reconsideration of these rules and to engage in the process of charting a better path forward for the Commission.

Respectfully submitted,

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<sup>2</sup> *Id.* at 8.

<sup>3</sup> 25 C.F.R. § 25.136(a)(4)(iv) and (c)(4).

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April \_\_, 2017

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